

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

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| In the Matter of                                                                             | ) |                      |
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| Implementing Kari’s Law and Section 506 of<br>RAY BAUM’S Act                                 | ) | PS Docket No. 18-261 |
|                                                                                              | ) |                      |
| Inquiry Concerning 911 Access, Routing, and<br>Location in Enterprise Communications Systems | ) | PS Docket No. 17-239 |

**COMMENTS OF  
USTELECOM – THE BROADBAND ASSOCIATION**

USTelecom — The Broadband Association (USTelecom)<sup>1</sup> submits these comments in response to the *Notice of Proposed Rulemaking* seeking comment on proposed dispatchable location requirements for 911 calls from multi-line telephone systems (MLTS).<sup>2</sup> USTelecom supports the Commission’s goal of ensuring that accurate location information is conveyed to PSAPs; however, it is also critically important that the division of responsibility among MLTS market participants be addressed in the resulting regulations. In particular, the Commission should allow MLTS customers to decide whether they want to upload dispatchable location data or to pay someone, like an installer or a third-party vendor, to do so. Mandating that installers upload location data and holding them liable – even in instances when a customer uploads the dispatchable location data – would unnecessarily increase MLTS costs and stifle consumer offerings and innovation in the market.

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<sup>1</sup> USTelecom is the premier trade association representing service providers and suppliers for the telecom industry. Its diverse member base ranges from large publicly traded communications corporations to small companies and cooperatives – all providing advanced communications service to both urban and rural markets.

<sup>2</sup> *Implementing Kari’s Law and Section 506 of RAY BAUM’S Act, Inquiry Concerning 911 Access, Routing, and Location in Enterprise Communications Systems*, FCC 18-132, PS Docket Nos. 18-261, 17-239 (released October 26, 2018) (NPRM).

As the Commission recognizes, “there can be great variation in the business relationships between MLTS installers, operators, and managers.”<sup>3</sup> USTelecom’s members wholeheartedly agree – while some installers may often serve as managers of MLTS systems, many other providers simply provide the equipment and initial instructions regarding set-up. With this understandable variation, which should be encouraged in a competitive market, the Commission must address “the division of responsibilities when deploying and operating MLTS,”<sup>4</sup> and the regulations should better distinguish between installers, managers, and operations with respect to responsibility for location information.

Specifically, Section 9.16(b)(3), as proposed, does not adequately enumerate the respective responsibilities on installers, managers, and operators, and instead appears to treat them all the same. Under the proposed language: “[a] person engaged in the business of installing, managing, or operating multi-line telephone systems may not install, manage, or operate such a system in the United States unless it is configured such that the dispatchable location of the caller is conveyed to the PSAP with 911 calls.” As written, it is unclear what individual responsibilities installers, managers, and operators have for configuring the system, inputting location information, and ensuring the accuracy of the location information. Clear rules for the market participants are crucial for the system to function effectively and efficiently. While the installer no doubt should be obligated to ensure the system is properly configured (i.e., capable of receiving information to be input)<sup>5</sup> so that location information will be dispatched when input, it should ultimately be the operator’s responsibility to provide that dispatchable location information to the system. Thus, each participant has a unique role that

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<sup>3</sup> *NPRM* at para. 43 (citing Comments of Verizon, PS Docket No. 17-239 at 5 (filed Nov. 16, 2017)).

<sup>4</sup> *NPRM* at para. 55.

<sup>5</sup> See, e.g., Proposed Rule § 9.3 (“Configured. The settings or configurations for a particular MLTS installation have been implemented so that the MLTS is fully capable when installed of dialing 911 directly and providing notification as required under the statute and rules.”).

needs to be recognized in the regulations. A lack of clarity will likely result in increased costs to consumers as installers attempt to undertake these administrative obligations that go beyond installation. Accordingly, the Commission should separate proposed Section 9.16(b)(3) into separate subsections which address the obligations of installers, managers, and operators or otherwise more clearly delineate responsibilities. These subsections should clearly state that installers are responsible for ensuring the equipment is configured and installed so it is capable of conveying a dispatchable location and state that managers/operators are responsible for providing, uploading, and maintaining dispatchable location information.<sup>6</sup>

Moreover, imposing a per se obligation on installers to provide the dispatchable location information to the PSAP will likely increase costs to end-users who may not want to pay the installer to do so or may use another third-party service provider to do so. Indeed, the limited role installers play in the MLTS ecosystem seems implicit in the Commission's proposal that the "MLTS manager bears ultimate responsibility for compliance with [the Commission's] proposed rules implementing Kari's Law."<sup>7</sup> While the Commission proposes a clearer delineation of responsibility in this respect, it is less clear with respect to installers, managers or operators, or for that matter enterprise customers. The rules should recognize that Kari's law and dispatchable location responsibilities will vary based on business arrangements, and ensure that where, for example, an installer plays its traditional limited role, it will not be held jointly

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<sup>6</sup> For instance, Section 9.16(b) could be revised as follows:

(3) A person engaged in the business of installing multi-line telephone systems may not install such a system in the United States unless it is configured such that it is capable of being programmed with and conveying the dispatchable location of the caller to the PSAP with 911 calls.

(4) A person engaged in the business of managing or operating multi-line telephone systems may not manage or operate such a system in the United States unless it is configured such that the dispatchable location of the caller is conveyed to the PSAP with 911 calls.

<sup>7</sup> *NPRM* at para. 44.

liable with the company that controls those functions.

Similarly, the Commission should make clear that a system installer, manager, or operator has fulfilled its obligation under Kari's Law so long as the system is properly configured to allow notification transmission to a centralized location, even if a customer declines to designate one. As the Commission recognizes, "Congress sought to provide MLTS installers, managers, and operators with broad flexibility in selecting designation points to achieve this goal."<sup>8</sup> In keeping with this goal of flexibility and the statute's focus on how the system is configured, the Commission should recognize that a customer may choose not to designate or maintain a central notification point due to any number of reasons. Should the customer choose not to designate a point for central notification then an installer, manager or operator should be deemed compliant so long as the system remains properly configured to allow for such a customer designation.

The goal of ensuring that first responders can locate callers in sprawling spaces such as office buildings, hotels, or campuses is very important to public safety and well-being. The key to accomplishing this goal is recognizing the different roles of the various market participants and their respective responsibilities in the implementation and ongoing functioning of MLTS systems. By clearly defining these roles and responsibilities, the Commission can accomplish the goals of Kari's Law and Ray Baum's Act while encouraging innovation in the market and efficient use of resources.

Respectfully submitted,

By: \_\_\_\_\_/s/

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<sup>8</sup> *NPRM* at para. 24.